

PHILLIP A. TALBERT
United States Attorney
EMILY G. SAUVAGEAU
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

NICHOLAS GRAY,

Defendant.

CASE NO. 2:22-CR-83-TLN

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: May 18, 2023
TIME: 9:30 a.m.
COURT: Hon. Troy L. Nunley

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 18, 2023.
2. By this stipulation, defendant now moves to continue the status conference until June 8, 2023, for a motion hearing, and to exclude time between May 18, 2023, and June 8, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports, search warrants, and documents in electronic form; body worn camera footage and search warrant photographs; and records regarding Defendant's criminal history. All of this discovery has been either produced directly to counsel and/or made available

1 for inspection and copying.

2 b) Counsel for defendant desires additional time to consult with her client, review
3 discovery, and otherwise prepare for trial.

4 c) Counsel for defendant believes that failure to grant the above-requested
5 continuance would deny him/her the reasonable time necessary for effective preparation, taking
6 into account the exercise of due diligence.

7 d) The government does not object to the continuance.

8 e) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendant in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of May 18, 2023 to June 8, 2023,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
14 because it results from a continuance granted by the Court at defendant's request on the basis of
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
19 must commence.

20 5. Additionally, Defendant has indicated he will file a motion to suppress evidence in the
21 next few days. Accordingly, the parties ask the Court to set the June 8, 2023 hearing date as a motion
22 hearing, and to order the following briefing schedule:

23 a) Suppression Motion (if any) Due: May 17, 2023

24 b) Government's Response Due: May 24, 2023

25 c) Defendant's Reply (if any) Due: June 1, 2023

26 d) Motion Hearing Date: June 8, 2023

27 6. Should Defendant decline to file a motion by May 17, 2023, the parties request that this
28 matter remain on calendar on June 8, 2023 for a status conference, absent an additional stipulation or

1 joint motion by the parties.

2 IT IS SO STIPULATED.

3
4 Dated: May 11, 2023

5 PHILLIP A. TALBERT
United States Attorney

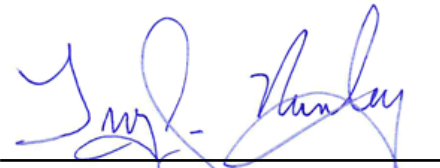
6
7 /s/ EMILY G. SAUVAGEAU
8 EMILY G. SAUVAGEAU
Assistant United States Attorney

9 Dated: May 11, 2023

10 /s/ CANDICE FIELDS
11 CANDICE FIELDS
Counsel for Defendant
12 NICHOLAS GRAY

13
14 **ORDER**

15 IT IS SO FOUND AND ORDERED this 12th day of May, 2023.

16
17 
18 Troy L. Nunley
19 United States District Judge
20
21
22
23
24
25
26
27
28